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William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Reply Comments of The Information Technology  
Industry Council, ET Docket No. 95-19

Dear Mr. Caton:

The Information Technology Industry Council, by its attorneys, hereby submits an original and 5 copies of its "Reply Comments" on the Matter of Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices, ET Docket No. 95-19.

Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Wilkinson, Barker, Knauer & Quinn

By: Lawrence J. Movshin

Enclosure

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, DC 20026

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

IN THE MATTER OF )

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AMENDMENT OF PARTS 2 AND 15 OF THE )  
COMMISSION'S RULES TO DEREGULATE THE )  
EQUIPMENT AUTHORIZATION REQUIREMENTS )  
FOR DIGITAL DEVICES )

ET DOCKET No. 95-19

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FEDERAL COMMUNICATIONS COMMISSION  
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REPLY COMMENTS

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THE INFORMATION TECHNOLOGY INDUSTRY COUNCIL

WILKINSON, BARKER, KNAUER & QUINN  
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(202) 783-4141

ITS ATTORNEYS

JULY 5, 1995

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, DC 20026

IN THE MATTER OF )  
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AMENDMENT OF PARTS 2 AND 15 OF THE ) ET DOCKET NO, 95-19  
COMMISSION'S RULES TO DEREGULATE THE )  
EQUIPMENT AUTHORIZATION REQUIREMENTS )  
FOR DIGITAL DEVICES )  
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**SUMMARY**

The Information Technology Industry Council ("ITI") hereby replies to the more than thirty five comments filed in response to the Notice of Proposed Rulemaking (FCC 95-46, released February 7, 1995) (the "NPRM") in the above-captioned proceeding. The initial commenters have provided a substantial and constructive record on the issues presented in the NPRM. For the reasons discussed in detail below, ITI urges expeditious adoption of a Declaration of Conformity authorization program and the application of that program to the assembly and marketing of modular computers and modular components.

In particular, ITI recommends:

- Adoption of a simplified Declaration of Conformity program that can, after a relatively short transition, be applied to all digital devices, both Class A (as an update to the existing verification process) and Class B;
- Standardization of the information required on a Declaration of Conformity to meet requirements similarly imposed internationally;

- Simplification of the information provided to consumers to include relevant materials from which they can reasonably establish that a device has been tested for compliance and the location for obtaining information concerning the emission characteristics, as tested, of that device;
- Adoption of a simplified labelling program, in place of the current label, using an FCC compliance logo capable of obtaining marketplace recognition;
- Rejection of any mandatory accreditation program for testing facilities;
- Adoption of the Modular Component/Modular Computer regulatory program as outlined in ITI's initial comments in this proceeding.

The record of industry compliance and the virtual absence of any interference problems warrants the expeditious resolution of the issues remaining in this matter so that the substantial benefits to be obtained from this deregulatory program -- increased innovation and creativity, reduced costs, and improved marketplace efficiencies -- can be realized by the American public at the earliest possible time.

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REPLY COMMENTS  
OF  
THE INFORMATION TECHNOLOGY INDUSTRY COUNCIL

The Information Technology Industry Council ("ITI")<sup>1</sup>, by its attorneys and pursuant to Section 1.415 of the Commission's rules, hereby replies to the more than thirty five comments filed in response to the Notice of Proposed Rulemaking (FCC 95-46, released February 7, 1995) (the "NPRM") in the above-captioned proceeding.

The initial commenters, representing a wide range of interests, have provided a substantial and constructive record on the issues presented in the NPRM. A plethora of personal computing devices are sold in the marketplace today without any cognizable interference problems. Given the outstanding record

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<sup>1</sup> In view of the diverse interests of its membership, the positions expressed herein represent a consensus of ITI's members' views, and individual member companies may file comments in this proceeding expressing independent views on particular subject matters.

of industry compliance with the FCC's emission limits, and as more fully discussed below, ITI urges expeditious adoption of a Declaration of Conformity authorization program and the application of that program to the assembly and marketing of modular computers and modular components.

**A. Adoption Of A Simplified Declaration Of Conformity Program Will Best Serve The Public Interest.**

1. The Declaration Of Conformity program has widespread support.

The overwhelming consensus of the commenters joined ITI (and several of its member companies filing independently)<sup>2</sup> in urging the adoption of a new equipment authorization program for Class B personal computers and personal computer peripherals, substituting the Declaration of Conformity for Equipment Certification. As Motorola, Inc. noted (at 3), "the FCC's self certification proposal substantially reduces [the] financial and administrative burdens [of the current certification process] by allowing manufactures to avoid unnecessary filing costs and to market their products immediately upon filing a Declaration of Conformity . . . provid[ing] the industry with higher rates of return on investment. . . [This] will in turn likely attract more resources to the industry and allow manufacturers to devote more resources to product development, . . . benefit[ting] consumers

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<sup>2</sup> See, e.g., AT&T at 2; CCITL at 2; CompTIA at 3; EIA/CEG at 2-3; IBM at 2.

through both improved product quality and lower prices."<sup>3</sup> Gateway 2000, a leading supplier of personal computers, noted (at 2-3) that "this approach is very similar to the requirements with which many personal computer manufacturers (including Gateway) must comply in order to market their products in the European Community."<sup>4</sup>

A few parties did object to the change from the prior approval approach of FCC certification to manufacturer's self-certification.<sup>5</sup> But the basis for their objection -- the potential increase in interference from computing devices -- is without foundation. MSTV, exemplifying these parties' position, suggested that "there is little reason to believe that the need for vigilance regarding the sale of noncompliant RF-producing devices is any less pressing today." MSTV (at 4) bemoaned the lack of "findings [in the NPRM] that the danger of interference from the operating of computers and peripheral devices has been reduced or eliminated." The AFCCE (at 2), in comments echoed by

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<sup>3</sup> See, also, Bruce Reynolds, at 1; EIA/CEG at 2-3; CompTIA, at 2-3; A2LA, at 1.

<sup>4</sup> Gateway 2000 also added "Class B approvals currently are the bottleneck factor in Gateway's engineering process . . . If the proposed rule changes were to be adopted, Gateway could deduct the 28-35 days for the issuance of the grant from the product development cycle. This could mean the difference between being first to market or simply an also ran with a given concept or product design." (Gateway 2000 at 2)

<sup>5</sup> See, e.g., ARRL at 2-3; AFCCE at 2; MSTV at 2,5; Commerce at 3.

Carl T. Jones Corporation (at 2,5), also urged retention of the certification process. These parties' primary concern was that the proposed Declaration of Conformity process "eliminates the up-front mandatory requirement to demonstrate compliance prior to marketing and selling the product." (Carl T. Jones at 3)

In each instance, it is clear that the parties opposing the relaxation of the filing requirements misperceived both the intent and the impact of the proposed deregulation. As the American Radio Relay League so aptly noted (at 1-2),

nothing in this proceeding would change the substantive regulations governing unintentional emissions from Class B digital devices. There is no proposal in this proceeding to increase the amount of permitted RF energy from personal computers, peripherals or their components. Computer manufacturers will not, if the notice proposals are adopted, be permitted to manufacture or market devices that exceed current standards for radiated or conducted RD emissions.

Indeed, in acknowledging "the current high rate of compliance and lack of significant interference from personal computers and their peripherals" (NPRM at 3), the FCC's proposal here reduces the regulatory and record creation burden on manufacturers without compromising the control of interference from personal computing equipment. In fact, the new program does not, as some fear, eliminate the requirement to perform pre-marketing testing for compliance; it only eliminates the need to submit substantial paperwork for FCC review as a prelude to marketing, even before any hint of an interference or compliance problem exists.

Nor does the removal of a prior-review-and-approval process portend the introduction of masses of non-compliant, untested products into the marketplace; the record of computer industry performance clearly demonstrates otherwise. As ITI has previously noted, Class A computers and most Class B digital devices have been subject to self-verification since 1979, with manufacturers being responsible for determining compliance without any prior FCC approval. There has not been any suggestion that this unfettered entry into the marketplace of Class A computing devices and large numbers of Class B products without FCC supervision or "vigilance" in reviewing test reports prior to market introduction, has led to a stream of non-compliant products entering commerce. And there is no reason to believe that the situation will deteriorate by extending similar privileges to the manufacturers of personal computers.

Instead of limited FCC resources being utilized to review submissions prepared for purposes of obtaining approval, leaving few resources for post-grant enforcement, that same FCC staff may now be focused entirely on post-market auditing functions. By imposing stiff penalties on manufacturers whose Declarations of Compliance turn out, on audit, to be incomplete, or whose quality controls are such that production units are not

consistent with the tested products, high levels of compliance can reasonably be anticipated.<sup>6</sup>

None of these parties has rebutted the Commission's findings that the costs and marketing delays inherent in the certification process are not justified by any resulting increase in the level of compliance or, even more importantly, by a substantial reduction in the threat of objectionable interference. To the contrary, the personal computer industry has demonstrated that competitive forces alone require that computers will be well engineered both to avoid the creation of, and to reject, any undesirable RF emissions, whether or not the FCC is pre-approving test reports. The certification process has become an unnecessary burden on the industry's innovation and competitiveness, and the record here fully justifies replacement with a far less time consuming and burdensome process. The

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<sup>6</sup> Some parties have suggested a more gradual approach to deregulation. They urge that the Commission should continue to require certification but allow marketing of devices upon filing of the certification application, or alternatively that the Commission should move from certification only to notification, still requiring some form of prior approval filing. See, e.g., AFCCE at 2; AT&T at 5; Carl T. Jones at 3; CCITL at 2; CCS at 1. ITI opposes all such suggestions. Each of these approaches imposes on the industry substantial filing and paperwork burdens without any apparent justification. None has been shown as effective a deterrent to non-compliance as the proposed Declaration of Conformity with an appropriate audit and enforcement process to identify and isolate offenders. Rather than burden an entire industry with filings, ITI strongly supports deregulation and high visibility increasing of enforcement as the better alternative.

unsupported contrary suggestions of those few parties who would urge continuation of the certification process must be rejected.<sup>7</sup>

2. Some simplification of the Declaration of Conformity process is appropriate.

A number of parties recommended simplification of the Declaration of Conformity process. These efforts are designed to further ease the burden on manufacturers without substantially reducing the information needed by consumers and the Commission

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<sup>7</sup> Most unexpected was the opposition of Charles M. Ludolph, Director, International Trade Administration of the Department of Commerce. Mr. Ludolph argues for a variety of reasons that U.S. market access to the European Union measured in the cost of testing and certifying products to EU EMC requirements depends to a considerable degree on the successful outcome of the ongoing U.S.-EU mutual recognition agreement negotiations. In Mr. Ludolph's view, the proposal to change certification procedures by unilaterally bestowing on EU manufactures the opportunity for declaring the product compliant, will upset the balance of mutual recognition negotiations by giving Europeans far more access to the American market than the Europeans intend to bestow voluntarily on domestic manufacturers, and therefore it should be rejected. ITI respectfully disagrees.

First, and foremost, the new rules only apply to previously certified personal computer products; all other computer products are already subject to verification procedures analogous to the EUs Supplier's Declaration process. In fact, the proposed rules changes will provide a better, more balanced situation for PC manufacturers in Europe, since the EU already accepts Suppliers Declarations from personal computer manufacturers without the intervention of any specially accredited competent or notified body. While ITI strongly supports the efforts of the Office of the United States Trade Representative, the Department of Commerce, the State Department and the FCC to obtain global access to all markets for domestically manufactured products, we urge that the deregulatory program proposed in this proceeding should not be delayed, even in the interest of negotiating such access for other types of products in the form of MRAs.

to assure that products are tested and determined to be compliant before marketing.

First, there was widespread support for simplifying the labelling process for all types of digital devices and for allowing reference to the Declaration of Conformity in consumer information, in the form of a simple statement rather than by requiring the publication of the Declaration of Conformity with each device. As several manufacturers<sup>8</sup> and ITI noted, requiring the publication of the Declaration of Conformity, or even publication of certain information related to a particular Declaration of Conformity, could impose substantial marketing delays associated with the printing and installation of the consumer information for a particular product.

As Unisys, for example, recommended<sup>9</sup>, the Commission should instead adopt an "elevator-like" approach to the character of the Declaration of Conformity information provided to the

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<sup>8</sup> See, e.g., Apple at 2; Gateway at 5; IBM at 3-4; Sony at 8-9.

<sup>9</sup> Unisys at 3. Several parties noted the difficulty of identifying a particular phone number or individual within a company, as such phone or individual might be changed by the time that they would have meaning to a consumer who wanted to lodge an interference complaint. By requiring the identification of the company name, an officer or office responsible for maintaining the Declaration of Conformity, and, if deemed appropriate, a general phone number for that office, the FCC will provide consumers and its enforcement staff with meaningful information without imposing time constraints (or the burden of changing such materials each time the individual or his or her phone number changes). ITI fully supports such simplification.

consumer with each product. Like the elevator safety inspection certificate that merely identifies the location of the full safety inspection report, the Declaration of Conformity "notice" in the user literature could merely identify the company name and the "office" from which a full Declaration of Conformity, and any associated compliance demonstration and test report, could be obtained on reasonable request. Such an approach would eliminate the need for publication in the user information of such time sensitive information as the test lab, the test report or even the date of testing.<sup>10</sup>

On the other hand, in marketing the device with such a shortened Declaration of Conformity notice, the company -- and the party responsible for supplying the Declaration of Conformity

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<sup>10</sup> The adoption of a new authorization program also provides an opportunity generally to improve the information provided to consumers. To that end, ITI recommends that Section 15.105 (a) and (b) be amended to substitute the following simpler notice for the information to users currently required (and generally ignored) by those rule sections:

This device is covered by a Supplier's Declaration of Conformity which establishes that this device meets FCC requirements for digital devices under Part 15 of the FCC's Rules. A copy of the Declaration of Conformity for this device may be obtained from:

[NAME OF COMPANY]  
[NAME OF DEPARTMENT]  
[TITLE OF PERSON WITHIN DEPARTMENT  
RESPONSIBLE FOR RESPONDING TO INQUIRIES]  
[ADDRESS FOR INQUIRIES]  
[PHONE NUMBER FOR INQUIRIES]

on demand -- would be certifying (subject to sanction for false statements or abuse) that a Declaration of Conformity exists on file with the office listed in the user information. Such a statement would have just as much impact on the manufacturer as the publication of the Declaration of Conformity itself. To the extent a manufacturer desired to do so, it could, of course, instead publish a copy of the Declaration of Conformity within the user manual for each product.

Simplification of the labelling program is equally important. Currently, the FCC label contains statements that appear to have little relevance to the typical consumer of a personal computer.<sup>11</sup> In response to its request, the FCC has received a number of creative labelling designs (in addition to the comments of ITI, for example, Apple, CompTIA, Hewlett-Packard, IBM and SGI also submitted proposals for a compliance "logo"). ITI believes that many of the proposed logos could in short order obtain a very positive marketplace recognition as identifying a product that meets FCC standards. ITI recommends choosing that design which, in the Commission's view, is most likely to develop such a marketplace recognition<sup>12</sup>; through

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<sup>11</sup> Several parties have noted that the current label is cumbersome without being effectively informative. See, e.g., Apple at 3; CompTIA at 4; ITAC at 1; Bruce Reynolds at 2; Unisys at 5.

<sup>12</sup> In order to facilitate international harmony, and in recognition of the efforts underway to standardize labelling (continued...)

successful consumer education programs, computer buyers will soon be able, and indeed encouraged, to discriminate in purchasing patterns in favor of compliant products and against those products for which a compliance label is absent. With such a label, other warnings and notices will become obsolete and unnecessary.

Indeed, on review of the comments, ITI now agrees with those parties who believe that the simplified Declaration of Conformity approach can, with a reasonable transition, be merged with the existing Verification program into a single equipment authorization program applicable to all digital devices subject to the Part 15 regulations.<sup>13</sup> Such a merger would eliminate the need to classify devices for authorization purposes. It also could encourage manufacturers and integrators to design devices to the tighter Class B limits, since one of the primary detriments to such classification has been the more burdensome equipment authorization process applicable to Class B computers.<sup>14</sup>

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<sup>12</sup> (...continued)  
in all NAFTA countries, the FCC should choose a label that is language neutral, that will clearly stipulate the standard used and environment of use for which the standard is designed, and one that can obtain at least NAFTA, and perhaps international, recognition and standardization.

<sup>13</sup> See, e.g., Compaq at 2-4; EIA/CEG at 7; ITAC at 2; Scientific-Atlanta at 2-5; Unisys at 2-4.

<sup>14</sup> There may be some minor transitional burdens imposed on manufacturers whose products are currently subject only to  
(continued...)

Through the appropriate labelling program, consumers and the FCC could readily determine the environment of use for which devices were designed. In each instance, the consumer and the FCC would have common elements of information (and over time, likely common format) for establishing how a device has been tested and determined to be compliant. Upon the adoption of a simplified label, a simplified consumer information statement for the installation manual, and a common Declaration of Conformity format for record keeping and reporting purposes, the transitional burden of adjusting to one regulatory authorization program for computing devices, including under its coverage those devices currently subject to verification, should be minimal. Such burdens will clearly be far outweighed by the public interest in a simplified regulatory processes.

In the same vein, ITI agrees with those commenters who favor movement toward international harmonization of record keeping requirements and urge standard informational requirements for the Declaration of Conformity that are consistent with the requirements generally imposed under a similar program of the

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<sup>14</sup> (...continued)  
verification, but ITI believes that the burden is primarily one of formatting. All of the information required on a Declaration of Conformity should be maintained by a manufacturer of verified devices and such devices already must be appropriately labelled under the current rules.

European Union.<sup>15</sup> The EU Supplier's Declaration of Conformity generally requires:

- a statement of the type of equipment (Class A or Class B, computing device, peripheral, component, etc.);
- the model number;
- the power rating;
- the standard to which the device has been tested (FCC Class A or B; CISPR 22);
- the test standard utilized (ANSI C63.4; CISPR 22);
- the test report number<sup>16</sup>;

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<sup>15</sup> See, e.g., ACIL at 1-2; Gateway at 3; Hewlett-Packard at 1-2; Retlif Testing Lab at 2-3; SGI at 2; Sun at 2.

<sup>16</sup> A few commenters (e.g., PC Test, at 3; CompTIA at 3) have suggested that test facilities should be subject to sanction in cases where several devices for which they have issued test reports demonstrating compliance on audit prove to be non-compliant. ITI generally agrees that test facility accountability is important to the success of the Declaration of Conformity program. For that reason, the FCC's Declaration of Conformity could also include the name and address of the test facility performing the testing to assure that test facilities bear some accountability for problematic devices for which they have issued test reports demonstrating compliance. However, test facilities cannot be held entirely responsible when devices for which they issued a compliance test report prove non-compliant; factors relating to the manufacturer's quality production control are far more likely to be responsible for such failures than the test facility. On the other hand, where it can be demonstrated that a test facility either lacks competence or the physical requirements needed to perform the tests correctly, or engages in malfeasance in its reports, the Commission should be empowered to severely sanction such facility. To that end, ITI urges the Commission to seek such legislative authority as would be needed to extend its forfeiture authority to test facilities -- independent or manufacturer-owned --- who engage in misfeasance or malfeasance in the performance of FCC compliance testing.

- the name of the company, the division within the company, and a responsible, authorized individual within that division, including an address and (if deemed appropriate<sup>17</sup>) telephone number, who maintains the appropriate documentation establishing the basis for the issuance of the Declaration of Conformity; and
- the statement of compliance signed by such identified individual, certifying under penalty of perjury, that the device to which the Declaration of Conformity has attached has been tested in accordance with the FCC's rules and determined to be compliant.

ITI believes that the same information can satisfy the FCC's requirements. By adopting a common information gathering requirement, the FCC can gradually move toward the international harmonization which will allow domestically manufactured products to achieve their full competitive position in the global marketplace.

**B. Mandatory Lab Accreditation Is Not Essential To The Success Of The Declaration Of Conformity Process.**

1. There is nothing in the record to demonstrate that lab accreditation will result in "better" lab performance than exists today.

Several parties -- many representing independent test facilities -- have conditioned their support for the FCC's deregulating efforts on the imposition of a mandatory accreditation process for test facilities.<sup>18</sup> While some of those suggesting such a requirement would limit it to independent third

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<sup>17</sup> The EU does not require a telephone number.

<sup>18</sup> See, e.g., A2LA at 1; CCL at 2-3; CCS at 1; Gateway 2000 at 5-6; Motorola at 5; Washington Labs at 2-3; ACIL at 1.

party facilities<sup>19</sup>, none has demonstrated that the test facility industry today lacks credibility or that a mandatory accreditation process will substantially improve the testing process or quality over that achieved without such a mandated requirement.

In fact, the numbers cited by the proponents of mandatory accreditation suggest otherwise. There are over 500 labs performing certification testing that have listed their site characteristics with the FCC. Only fifteen of ACIL's 400 member labs perform EMC testing, and ACIL does not identify how many of those labs are NVLAP accredited (ACIL at 1). Only 17 of the 700 labs that have been accredited by A2LA are accredited in the electrical/electronics field of testing (A2LA at 2), and A2LA also does not identify how many of those would be NVLAP approved. Yet there is no suggestion in the record that the remaining 450+ FCC listed labs are not performing quality EMC testing. Before burdening the test facility industry with a reregulatory program of accreditation, far more evidence of a need for such government mandated accreditation must be developed.

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<sup>19</sup> See, e.g., Elite at 3; Retlif at 2-3. Contrary to the suggestions implicit in the comments of some test facilities, e.g., PC Test at 4, and CCS at 1, there is absolute no evidence in the record of this proceeding to suggest that manufacturer's test facilities lack credibility today and/or that subjecting manufacturer's test facilities to any mandatory accreditation requirement would provide any public interest benefit.

Nor is the argument favoring accreditation to "protect" American consumers from less scrupulous foreign testing facilities any more persuasive.<sup>20</sup> Rank speculation at best, such arguments fail to recognize that nearly half of the currently FCC listed facilities are located on foreign soil; that many such facilities are owned by, or affiliated with, domestic U.S. manufacturers; and that the long-standing results of such foreign-based facilities' performance over the years are a substantial part of the FCC's findings of competence that have justified the level of confidence in the computer manufacturing community leading to the proposed Declaration of Conformity program.<sup>21</sup> Ultimately such protectionist comments must be rejected.

Indeed, as many commenters pointed out, and contrary to the suggestion of a few parties favoring NVLAP accreditation, a mandatory lab accreditation program would put the United States

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<sup>20</sup> See, e.g., Motorola at 5; CCS at 1; Elite at 2; Retlif at 2-3

<sup>21</sup> Anticipating the argument of ITI and others that a mandatory accreditation process will appropriately be viewed as a trade barrier to foreign manufactured products, some proponents of such a requirement **assume** that NIST will enter into mutual recognition agreements with foreign-based accrediting bodies to allow offshore labs to be accredited by their home equivalents of NIST. See, e.g., Motorola at 5; CCL at 4-5. Of course there is no basis for such assumption in the record. Moreover, such course would be effectively abrogating to NIST the responsibility for determining which labs would be authorized to participate in the FCC's equipment authorization program. ITI would strongly oppose such an approach.

at odds with most of its major trading partners. Neither the EU nor Japan currently imposes mandatory accreditation on laboratories providing Declaration of Conformity type testing. Adopting such a requirement would result in the type of international disharmony and create unnecessary tensions within the global marketplace that this proceeding is designed to avoid.

2. Mandatory accreditation will unduly burden the industry with unnecessary bottleneck costs and delays.

Far more persuasive are those comments recognizing that a mandatory accreditation program will increase the cost and time associated with testing, replacing the FCC's certification bottleneck with a lab accreditation bottleneck of equal or even greater proportions.<sup>22</sup> As Sony observed, "NVLAP accreditation is extremely burdensome and costly. The fee structure is complex, and . . . coordination for offshore manufacturers will be extremely difficult and time consuming." (Sony at 5). Spirit Technologies properly noted (at 5), "the present regulations and the proposed DOC process with its pre-certification testing are both premised on the presumption that if manufacturers and suppliers are not closely controlled they will indiscriminately violate the Commission's technical standards. . . . The Commission should reverse this presumption, i.e., if a company

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<sup>22</sup> See, e.g., Apple at 4; CCITL at 3; Compaq at 7; CompTIA at 4; Hewlett-Packard at 3; Intel at 2; IBM at 8; Unisys at 4-5; EIA/CEG at 4.

certifies that its product is within the Commission's technical standards, then that self-certification should be respected as true and correct unless the Commission has reason to expect otherwise . . . with appropriate penalties for false or negligent information."

In ITI's view, a mandatory accreditation requirement is clearly "a solution in search of a problem." The Commission has no reason to believe that the hundreds of laboratories currently performing certification testing -- and any new labs that may be developed in response to the continued growth of the digital devices industry spurred by this deregulating proceeding -- are not capable of continuing to credibly perform the tests that they have performed for more than a decade. There is simply no basis for burdening this industry with the cost, expense and general nuisance associated with a mandatory accreditation program. To the extent that accreditation is deemed to add value to a particular laboratory -- i.e., that accreditation establishes that a lab is better qualified than one that is not accredited -- positive marketplace forces will create the appropriate incentives, without government intervention, to achieve those benefits.

**C. Requiring Authorization Of Modular Components And Labelling Of Modular Computers Will Increase The Effectiveness Of The FCC's Rules.**

Probably the most controversial part of the Commission's proposals are those intended to apply the technical requirements and marketing rules more directly to computers sold by point-of-sale "manufacturers"/"assemblers". ITI supported the concept of authorizing Modular Components, defined more expansively, and to allow the marketing without further testing of Modular Computers, i.e., those computers assembled entirely of modular components. Several others, e.g., Hewlett Packard, CompTIA, Intel, IBM, provided similar support. As Hewlett Packard appropriately noted (at 4), while "system compliance is more than the simple sum of the parts . . . the Commission's proposal for retail channel PC assembly has merit because it would increase the likelihood of product compliance (or at least of lower emissions) than would otherwise exist."

It cannot be denied, however, that many parties opposed the elimination of any testing requirement to demonstrate compliance for systems assembled entirely at the retail point-of-sale. They oppose such relaxation even when such systems are composed entirely of components that have been tested and determined to be compliant in a "typical" configuration.<sup>23</sup> Most

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<sup>23</sup> See, e.g., AFCCE at 3-4; MSTV at 8; Carl T. Jones at 6;  
(continued...)

argue that the emission characteristics of the various parts may be very different than the characteristics of the system so assembled, and raise concern about the quality of the installation and the natural interdependencies of the shielding of particular components in determining whether the assembled system will, indeed, pass the FCC's requirements.<sup>24</sup>

While ITI is not unmindful of these concerns, they nevertheless ignore one of the precepts underlying the current regulatory scheme for digital devices: computers and peripherals that have been appropriately tested in a "typical configuration" and determined to meet the limits **should not, when integrated into any new combinations, increase the risk of harmful interference to other users of the radio spectrum.** This is not a new concept, having been recognized by ITI's predecessor, CBEMA in its seminal 1977 study on which many of the rules governing unintentional emitters are based.<sup>25</sup> Moreover, based on these

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<sup>23</sup> (...continued)  
CCITL at 4-5; Compaq at 9; SGI at 4.

<sup>24</sup> See, e.g., AFCCE at 3-4; MSTV at 8-9; AT&T at 10; CCITL at 4; Compaq at 9-10; SGI at 4-5; and Washington Labs at 3.

<sup>25</sup> Limits and Methods of Measurement of Electromagnetic Emanations from Electronic Data Processing and Office Equipment, CBEMA/ESC5/77/29, May 20, 1977:

"Measured system profiles do not increase over the system profile synthesized from individual product profiles in a typical system configuration. . . [T]he results of measurements of individual EDP/OE system elements [will] remain valid for system application and integration of the  
(continued...)"